



Order Filed on August 3, 2018
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

WILLIAM H. OLIVER, JR.

2240 Highway 33

Suite 112

Neptune, New Jersey 07753

732-988-1500

Attorney for Debtor(s)

WO-7129

In Re:

HARESH MIRCHANDANI

Debtor

Case No.: 18-12312

Adv. No: n/a

Hearing Date:

Chapter: 13

Oral Argument Requested if Objection Filed

Judge: Christine M. Gravelle

**ORDER AUTHORIZING SALE OF REAL PROPERTY LOCATED AT 17 NEW
DOVER ROAD, E. BRUNSWICK, NJ, FREE AND CLEAR OF LIENS, CLAIMS OR
ENCUMBRANCES AND GRANTING RELATED RELIEF**

The relief set forth on the following pages numbers two (2) through four (4) is hereby
ORDERED.

DATED: August 3, 2018



Honorable Christine M. Gravelle
United States Bankruptcy Judge

Debtors: Haresh Mirchandani

Case No. 18-12312(CMG)

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Page 2

THIS MATTER, having been opened to the Court by William H. Oliver, Jr., Esq. for Haresh Mrichandani, Chapter 13 debtor (“Debtor”), by his counsel, Yakov Rudikh, Esq., by the filing of a Motion for an Order Authorizing Sale of Real Property Free and Clear of Liens, Claims or Encumbrances and Granting Related Relief (the “Motion”) relating to the proposed sale of the real property located at 17 New Dover Road, E. Brunswick, NJ (the “Property”); due and proper notice of the Motion and related matters before the Court in this case having been given; and the Court having considered the moving papers and opposition thereto, if any; and oral argument, if any; and good and sufficient cause existing for the granting of the relief as set forth herein,

**THE COURT MAKES THE FOLLOWING FINDINGS OF FACT AND
CONCLUSIONS OF LAW:**

- A. Full and adequate notice of the Motion has been afforded to all interested parties.
- B. The offer made by Evrikh & Marta Ashurov (the “Buyer”) in the amount of \$750,000.00 is the highest and best offer received for the Property and the sale price for the Property constitutes full and adequate consideration and reasonably equivalent value for the property.
- C. The transactions being proposed were negotiated at arm’s length and in good faith.
- D. The Buyer is a good faith purchaser for value pursuant to Section 363(m) of the Bankruptcy Code and, as such, the sale of the property is entitled to all of the protections afforded thereby. The Buyer is acting and shall act in good faith within

Debtors: Haresh Mirchandani

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Page 3

the meaning of Section 363(m) of the Bankruptcy Code in closing the transaction(s)

contemplated by in the Contract for Sale.

IT IS HEREBY ORDERED AS FOLLOWS:

1. The Motion is GRANTED.
2. The sale of the right, title and interest in the property to Buyer pursuant to the terms and conditions set forth in the Contract for Sale is hereby approved. The record and transcript of the hearing and all findings and determinations of this Court are hereby incorporated herein.
3. The Property is specially being sold free and clear of any liens or encumbrances, including the following disputed judgments, with valid liens, if any, attaching to the proceeds of sale pursuant to 11 U.S.C. § 363(f). By way of information, the debts supporting the liens were discharged in the debtor's Chapter 7 bankruptcy on May 14, 2018, under Case No. 14-13066. However, the liens remain and the property needs to be sold free and clear of these liens.

| CREDITOR | JUDGMENT NUMBER | DATE ENTERED OR DOCKETED AS SET FORTH IN SEARCH | FACE JUDGMENT AMOUNT |
|--------------------|--------------------|--|----------------------------|
| | | | |
| Discover Bank | DJ-292084-2010 | Nov. 9, 2010 | \$6,194.80 |
| Bank of America NA | DJ-127821-2008 | June 2, 2008 | \$40,500.49 |

Debtors: Haresh Mirchandani

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Page 4

4. In addition to payment of valid liens and other standard closing costs as disclosed in the Certification in support of the Motion, the attorney is specifically authorized to make payment to the Broker (as defined in the Certification of the Attorney submitted herewith) at closing for the real estate commission as reflected in the Certification in support of the Motion.
5. The Court retains jurisdiction over the parties and this matter for , inter alia, purposes of enforcing this order and otherwise implementing the sale.
6. The stay provisions under Fed. R. Bankr. P. 6004(h) be and hereby are waived and, therefore, not applicable to this sale.